

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                ) Cause No. 1:11-cr-00103-WTL-KPF-2  
vs.                         )  
                                )  
REYNALDO ESCALANTE-VELAZQUEZ, )  
                               )  
Defendant.                 )

**ENTRY ON MOTION TO RECONSIDER SENTENCE**

Before the Court is the Defendant's motion to reconsider sentence (dkt. #111). The Defendant urges the Court to reduce his offense level by two levels – from 23 to 21. In support of his motion, the Defendant argues that (1) his role falls between that of a minor and a minimal participant, warranting an additional one level reduction pursuant to U.S.S.G. § 3B1.2, and (2) the Government filed a 18 U.S.C. § 3553(e) motion based on the Defendant's substantial assistance, giving the Court authority to impose a sentence below a level established by statute.

The Defendant raised his argument about his role in the crime before the Defendant was sentenced. The Court considered the Defendant's argument at that time, and it does not believe any change is warranted. Furthermore, the Court also considered the Government's § 3553 motion before it sentenced the Defendant. In short, nothing has changed concerning the basis for the Defendant's original sentence, and therefore no modification is appropriate.

Accordingly, the Defendant's motion is **DENIED**.

**SO ORDERED:**      08/27/2012



Hon. William T. Lawrence, Judge  
United States District Court  
Southern District of Indiana

Copies to all counsel of record via electronic communication.